

**Remarks**

**Claims 1-9 are currently pending in the application.**

**Claim 9 stands objected to under 35 U.S.C. 112, second paragraph, as being a duplicate of claim 5. Claim 9 has been amended to provide for proper dependency upon claim 8.**

**The specification stands objected to for typographical errors on page 7, lines 14 and 22. By the foregoing amendments these errors have been corrected.**

**The drawings stand objected to in that: 1) the reference character “50” has been used to designate two elements of the apparatus; and 2) the reference numeral “51” while mentioned in the specification is not shown on the drawings. The numeral “50” has been deleted from Figure 6 and the numeral “51” substituted therefore to eliminate this confusion.**

**Claims 1 and 6 stand rejected under 35 U.S.C. 102(b) as anticipated by Gopfert, U.S. Patent No. 4,787,812. It is the Examiner’s position that Gopfert shows a suction lifting assembly in Figures 12 and 13 comprising a plenum, and a plurality of bellowed suction cups each having a valve stem, a valve plate, a valve stop and a valve seat. In fact what Gopfert shows in these Figures is a plenum, a plurality of bellowed suction cups each having a and axially shiftable cylinder as opposed to the**

centrally located valve stem of the present invention, a valve plate, and a valve seat. As currently amended claim 1 specifically recites the presence of a centrally located valve stem as well as the presence of a relatively small aperture in said valve stop for the admission of a slight vacuum into said cylindrical bellowed or corrugated cup as described at page 8, lines 12 – 19. It is respectfully submitted that these amendments to the drawings, specification and claims all of which find basis in the application as originally filed obviate any rejection under 35 U.S.C. 102(b).

Claims 2, 4, 5, 7 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gopfert in view of Lundstrom (U.S. Patent No. 4,078,671). In view of the foregoing amendments to the claims, it is respectfully submitted that the claims as now presented are patentably distinguishable over the teachings of Gopfert alone or taken with Lundstrom. Clearly there are no suggestions of the incorporation of a relatively small aperture in the valve stop of Gopfert to provide a small but constant vacuum inside of the corrugated cups and Lundstrom adds nothing to this aspect of the invention.


It is noted that no specific grounds for rejection have been recited for claims 3 and 8. Accordingly, claims 3 and 8 have been cancelled in favor of new claims 10 and 11 which incorporate all of the elements of claims 1-3 and 6-8 as originally filed.

As to the provisional double patenting rejection, Applicants hereby indicate that should claims commensurate in scope be allowed in the two applications

referenced by the Examiner, it is there intent to cancel any overlapping claims or to file a terminal disclaimer, whichever is the appropriate action at that time. At this time Applicants respectfully submit that the claims of the instant application and those of the "004 application are patentably distinct.

In view of the foregoing amendments to the specification, drawings and claims, it is respectfully submitted that all of the claims remaining in the application, claims 1 -11, now stand on condition for allowance and the same is most earnestly solicited at an early date.

Respectfully submitted,

 8/16/05  
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**In the Drawings**

**In Figure 6, delete “50” and substitute therefore - - 51 - -;**

**In Figure 5 insert the numeral 33 indicating an aperture in valve stop 32;**

**all as shown on the enclosed; 1) corrected drawings showing these changes in red;**

**and the Replacement Sheet.**

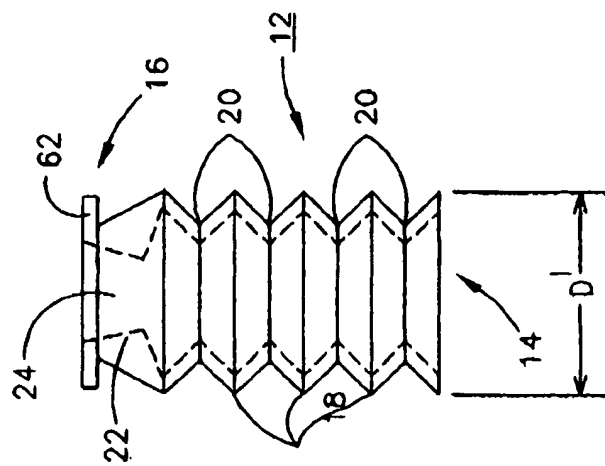


FIG. 3

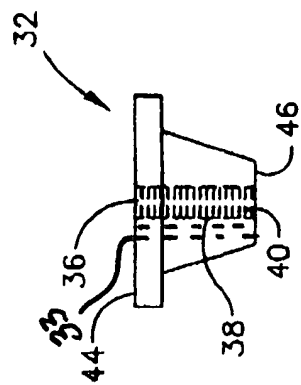


FIG. 5

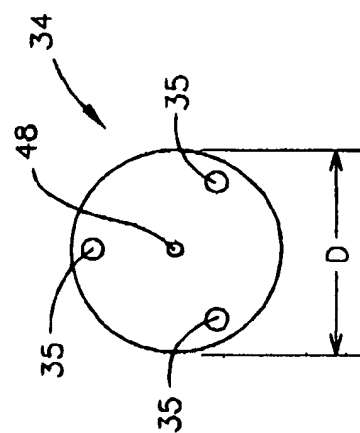


FIG. 4

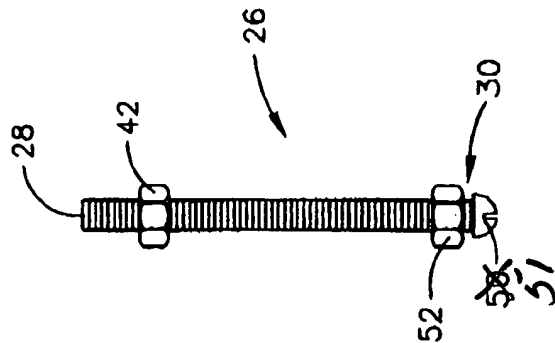


FIG. 6